

111TH CONGRESS  
1ST SESSION

# S. 1022

To amend the Public Health Service Act to establish a graduate degree loan repayment program for nurses who become nursing school faculty members.

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## IN THE SENATE OF THE UNITED STATES

MAY 12, 2009

Mr. BAYH (for himself, Ms. MURKOWSKI, Mr. DURBIN, Mrs. GILLIBRAND, Mr. WHITEHOUSE, Mr. BEGICH, Mr. INOUE, Mr. NELSON of Nebraska, Mr. WARNER, Mr. LIEBERMAN, Mr. LEVIN, Mr. BURRIS, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Public Health Service Act to establish a graduate degree loan repayment program for nurses who become nursing school faculty members.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nurses’ Higher Edu-  
5 cation and Loan Repayment Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1           (1) The Health Resources and Services Admin-  
2           istration estimates there is currently a shortage of  
3           more than 200,000 registered nurses nationwide and  
4           projects the shortage will grow to over 1 million  
5           nurses by 2020, 36 percent less than needed to meet  
6           demand for nursing care.

7           (2) The shortage of qualified nursing faculty is  
8           the primary factor driving the inability of nursing  
9           schools to graduate more registered nurses to meet  
10          the Nation's growing workforce demand.

11          (3) There continues to be strong interest on the  
12          part of young Americans to enter the nursing field.  
13          The National League for Nursing estimates that  
14          88,000 qualified applications, or one out of every  
15          three submitted to basic registered nurse programs  
16          in 2006, were rejected due to lack of capacity.

17          (4) The American Association of Colleges of  
18          Nursing (in this Act referred to as the "AACN") es-  
19          timates that 49,948 applicants were turned away  
20          specifically from baccalaureate and graduate schools  
21          of nursing in 2008 and over 70 percent of the  
22          schools responding to the AACN survey reported a  
23          lack of nurse faculty as the number one reason for  
24          turning away qualified applicants. Likewise, nearly  
25          70 percent of the associate's degree registered nurse

1 programs responding to the most recent American  
2 Association of Community Colleges Nursing Survey  
3 reported a lack of faculty to teach as the number  
4 one reason for turning away qualified applicants.

5 (5) Large numbers of faculty members at  
6 schools of nursing in the United States are nearing  
7 retirement. According to the AACN, the average age  
8 of a nurse faculty member is 55 years old and the  
9 average age at retirement is 62.

10 (6) The current nationwide nurse faculty va-  
11 cancy rate is estimated to be as high as 7.6 percent,  
12 including 814 vacant positions at schools of nursing  
13 offering baccalaureate and advanced degrees and, in  
14 2006, as many as 880 in associate's degree pro-  
15 grams.

16 (7) Market forces have created disincentives for  
17 individuals qualified to become nurse educators from  
18 pursuing this career. The average annual salary for  
19 an associate professor of nursing with a master's de-  
20 gree is nearly 20 percent less than the average sal-  
21 ary for a nurse practitioner with a master's degree,  
22 according to the 2007 salary survey by the journal  
23 ADVANCE for Nurse Practitioners.

24 (8) The most recent Health Resources and  
25 Services Administration survey data indicates that

1 from a total of more than 2 million registered  
 2 nurses, only 143,113 registered nurses with a bach-  
 3 elor's degree and only 51,318 registered nurses with  
 4 an associate's degree have continued their education  
 5 to earn a master's degree in the science of nursing,  
 6 the minimum credential necessary to teach in all  
 7 types of registered nurse programs. The majority of  
 8 these graduates do not become nurse educators.

9 (9) Current Federal incentive programs to en-  
 10 courage nurses to become educators are inadequate  
 11 and inaccessible for many interested nurses.

12 (10) A broad incentive program must be avail-  
 13 able to willing and qualified nurses that will provide  
 14 financial support and encourage them to pursue and  
 15 maintain a career in nursing education.

16 **SEC. 3. NURSE FACULTY LOAN REPAYMENT PROGRAM.**

17 Part E of title VIII of the Public Health Service Act  
 18 (42 U.S.C. 297a et seq.) is amended by inserting after  
 19 section 846A the following new section:

20 **“SEC. 846B. NURSE FACULTY LOAN REPAYMENT PROGRAM.**

21 “(a) ESTABLISHMENT.—The Secretary, acting  
 22 through the Administrator of the Health Resources and  
 23 Services Administration, may enter into an agreement  
 24 with eligible individuals for the repayment of education

1 loans, in accordance with this section, to increase the num-  
2 ber of qualified nursing faculty.

3 “(b) AGREEMENTS.—Each agreement entered into  
4 under subsection (a) shall require that the eligible indi-  
5 vidual shall serve as a full-time member of the faculty of  
6 an accredited school of nursing for a total period, in the  
7 aggregate, of at least 4 years during the 6-year period be-  
8 ginning on the later of—

9 “(1) the date on which the individual receives  
10 a master’s or doctorate nursing degree from an ac-  
11 credited school of nursing; or

12 “(2) the date on which the individual enters  
13 into an agreement under subsection (a).

14 “(c) AGREEMENT PROVISIONS.—Agreements entered  
15 into pursuant to subsection (a) shall be entered into on  
16 such terms and conditions as the Secretary may deter-  
17 mine, except that—

18 “(1) not more than 10 months after the date on  
19 which the 6-year period described under subsection  
20 (b) begins, but in no case before the individual  
21 starts as a full-time member of the faculty of an ac-  
22 credited school of nursing, the Secretary shall begin  
23 making payments, for and on behalf of that indi-  
24 vidual, on the outstanding principal of, and interest

1 on, any loan of that individual obtained to pay for  
2 such degree;

3 “(2) for an individual who has completed a  
4 master’s degree in nursing—

5 “(A) payments may not exceed \$10,000  
6 per calendar year; and

7 “(B) total payments may not exceed  
8 \$40,000; and

9 “(3) for an individual who has completed a doc-  
10 torate degree in nursing—

11 “(A) payments may not exceed \$20,000  
12 per calendar year; and

13 “(B) total payments may not exceed  
14 \$80,000.

15 “(d) BREACH OF AGREEMENT.—

16 “(1) IN GENERAL.—In the case of any agree-  
17 ment made under subsection (a), the individual is  
18 liable to the Federal Government for the total  
19 amount paid by the Secretary under such agree-  
20 ment, and for interest on such amount at the max-  
21 imum legal prevailing rate, if the individual fails to  
22 meet the agreement terms required under subsection  
23 (b).

24 “(2) WAIVER OR SUSPENSION OF LIABILITY.—

25 In the case of an individual making an agreement

1       for purposes of paragraph (1), the Secretary shall  
2       provide for the waiver or suspension of liability  
3       under such paragraph if compliance by the indi-  
4       vidual with the agreement involved is impossible or  
5       would involve extreme hardship to the individual or  
6       if enforcement of the agreement with respect to the  
7       individual would be unconscionable.

8               “(3) DATE CERTAIN FOR RECOVERY.—Subject  
9       to paragraph (2), any amount that the Federal Gov-  
10      ernment is entitled to recover under paragraph (1)  
11      shall be paid to the United States not later than the  
12      expiration of the 3-year period beginning on the date  
13      the United States becomes so entitled.

14              “(4) AVAILABILITY.—Amounts recovered under  
15      paragraph (1) shall be available to the Secretary for  
16      making loan repayments under this section and shall  
17      remain available for such purpose until expended.

18              “(e) ELIGIBLE INDIVIDUAL DEFINED.—For pur-  
19      poses of this section, the term ‘eligible individual’ means  
20      an individual who—

21              “(1) is a United States citizen, national, or law-  
22      ful permanent resident;

23              “(2) holds an unencumbered license as a reg-  
24      istered nurse; and

1           “(3) has either already completed a master’s or  
2       doctorate nursing program at an accredited school of  
3       nursing or is currently enrolled on a full-time or  
4       part-time basis in such a program.

5       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
6       are authorized to be appropriated to the Secretary such  
7       sums as may be necessary for each of fiscal years 2010  
8       through 2014 to carry out this Act. Such sums shall re-  
9       main available until expended.

10       “(g) SUNSET.—The provisions of this section shall  
11       terminate on December 31, 2020.”.

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